

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

JUSTIN OLSEN,
Plaintiff,

v.

ALASKA TEAMSTER-EMPLOYER WELFARE
PLAN, and THE BOARD OF TRUSTEES,
Defendants.

Case No. 4:11-cv-00015-RRB

**(PROPOSED) ORDER GRANTING DEFENDANTS’
MOTION TO DISMISS NON-ERISA CLAIMS**

This Court, having considered Defendants’ Motion to Dismiss Non-ERISA Claims and any related filings, and being fully advised in the premises,

HEREBY ORDERS that the motion by Defendants for dismissal for failure to state a claim is GRANTED with respect to the following claims: (1) pain and suffering, emotional distress, and loss of consortium damages; (2) breach of contract; (3) breach of fiduciary duty and structural conflict of interest; and (4) penalties with respect to the submission of Plaintiff’s claim for benefits on or about March 31, 2010.

DATED this ____ day of _____, 2012.

The Honorable Ralph R. Beistline
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on December 27, 2011, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

Jason A. Weiner
Gazewood & Weiner, PC
1008 16th Avenue
Suite 200
Fairbanks, AK 99701

s/ Michael P. Monaco